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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,388	12/12/2003	Andrew Julian Gartrell	042933/267830	9758
826	7590	10/06/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			CHIANG, JACK	
		ART UNIT	PAPER NUMBER	
		2642		

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/734,388	GARTRELL, ANDREW JULIAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jack Chiang	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 December 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

**DRAWINGS**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of actuators provides at least an actuator capable of at least one of activating said electronic device, suspending said electronic device, indicating movement for operating said electronic device, indicating selection for operating said electronic device, inputting numerical data, inputting alphabetical data, and inputting symbolic data" claimed in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

## CLAIMS

### **112 First Paragraph Rejection**

2. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 15, it recites "said first locking edge extends outwardly from said chassis ...". This is questionable because according to claim 1, it defines that said first covering comprises a first locking edge. Since the first locking edge is a part of the first covering, how can it be extended outwardly from the chassis?

### **112 Second Paragraph Rejection**

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, it recites "... said first locking perimeter to define a ridge at the intersection of said first locking edge and said first locking perimeter". This has no clear meaning because how can "a ridge" which is a part of the perimeter and is also at the intersection of itself?

**Art Rejection**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-9, 11-12, 15(as best understood), and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Curtis et al. (US 6847806).

Regarding claim 1, Curtis shows an assembly for a mobile terminal, comprising:

a chassis (4), wherein said chassis (4) comprises a first locking perimeter (28-29);

a first covering (2) capable of being removably secured to said chassis (4) at said first locking perimeter, wherein said first covering (2) comprises a first locking edge (30-34) for securing said first covering (2) to said chassis (4) by interlocking said first locking edge (30-34) and said first locking perimeter (28-29); and an electronic device (i.e. 13) retained by said chassis (4).

Regarding claim 32, Curtis shows an interlocking chassis, comprising:  
a rigid circumferential frame (2) with an outer surface (front), an inner surface  
(bottom), a first surface (location of 32), a second surface (opposite to location of  
32), a front edge (location of 33-34), and a rear edge (location of 30-31), wherein  
said front edge comprises a first locking perimeter (33-34), and wherein said rear  
edge comprises a second locking perimeter (30-31).

Regarding claim 2-9, 11-12, 15(as best understood), Curtis shows:

The chassis (4) further comprises a second locking perimeter (35), further  
comprising: a second covering (3) for removably securing to said chassis (4) at  
said second locking perimeter, wherein said second covering comprises a  
second locking edge (37-38) for securing said second covering (3) to said  
chassis (4) by interlocking said second locking edge (37-38) and said second  
locking perimeter (35);

a circumscribed void (display window in 2) there through;  
the first covering (2, 5) having a plurality of actuators comprises a keymat  
plunger/interface (see 5) that selectively engage said electronic device;  
the first covering (2, 5) comprises grooves (between buttons in 5) between at  
least two or rows of said actuators;  
said plurality of actuators (5) define at least a numeric keypad (telephone keypad  
is numeric);  
the first locking edge (i.e. 30-34) and a ridge (areas of 28-29) of the first locking  
perimeter.

6. Claims 22-23, 25-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Risko (US 5386084).

Regarding claim 22, Risko shows an interlocking body cover, comprising: a membrane (22) with a first surface (front) and a second surface (bottom), an inner section (inner side), and an outer perimeter (see area of 50); and an elastomeric locking edge (see 50, 36, 52) along said outer perimeter directed downwardly from said second surface and towards said inner section.

Regarding claims 23, 25-29, Risko shows:

at least part of said membrane is a translucent material (see 16);  
said membrane (22) defines a circumscribed void or a display window (between 54 which is for the display) there through;  
said second surface defines a flexible keymat which comprises a plurality of actuators and grooves between at least two of said actuators (see 58).

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis et al.

Regarding claim 10, Curtis shows a telephone and a plurality of actuator (1, 5).

Curtis differs from the claimed invention in that it does not explicitly mention that the plurality of actuators are for activating said electronic device, suspending said electronic device, indicating movement for operating said electronic device, indicating selection for operating said electronic device, inputting numerical data, inputting alphabetical data, and inputting symbolic data.

However, all of the above claimed actuator operations appear to be an operation of a conventional phone and are notoriously well known for one of ordinary skill in the art, such as powering up (activating) the device, shutting down (suspending) the device etc. Hence, if it is found that Curtis does not have the above claimed operation, it would have been obvious for one of ordinary skill in the art to modify Curtis with the operations of powering up (activating) the device, shutting down (suspending) the device etc., this simply can be considered as a conventional operation for phones and is obvious for one of ordinary skill in the art.

9. Claims 13-14, 16-21, 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis et al. in view of Bent et al.

Regarding claims 13-14, 16-21, 33-34, Curtis shows the first locking edge and the first locking perimeter (see comments in claim 1).

Curtis differs from the claimed invention in that these locking features are not in convex and concave combination.

However, Bent teaches providing a locking combination comprising a convex and a concave combination (see contact areas between 202-204 in figs. 5-8, 10-13).

Hence, it would have been obvious for one of ordinary skill in the art to use modify Curtis with a convex and concave locking combination as taught by Bent, such that to provide a latching system for the device which provides a water-resistant seal without additional parts and labor, and is simple and easy to assemble during manufacturing (col. 1, lines 28-32 in Bent).

Further, the combination of Curtis and Bent shows a bracelet (100 in Bent).

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Risko in view of Blackburn.

Regarding claim 24, Risko shows the membrane (22).

Risko differs from the claimed invention in that it does not show a multicolored material.

However, Blackburn teaches providing a multicolored material for a cover (see paragraph 0027 in Blackburn).

Hence, it would have been obvious for one of ordinary skill in the art to modify Risko's membrane cover with a multicolored material as taught by Blackburn, such that it allow the combination to customize a device in a manner that will permit the owner of the device to personally select the finish of the device (paragraphs 0006 in Blackburn).

11. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Risko in view of Curtis et al.

Regarding claims 30-31, Risko shows a portable radio receiver (10) and its keypad (18).

Risko differs from the claimed invention in that it does not explicitly mention that the keypad is a numeric keypad.

However, Risko's portable radio is generic for portable devices which have numeric keypad, such as a communication device (1) shown by Curtis, in which it requires a numeric keypad.

Hence, if it is found that Risko does not allow numeric entry, then, it would have been obvious for one of ordinary skill in the art to apply Risko's concept in a communication environment which involve numeric keypad as taught by Curtis, this simply can be considered as an intended use of Risko, provided that the basic concept of housing the radio device is substantially unchanged.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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